

Ifw/2681



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Application of

Inventors: Toshiaki HIRAKI, et al.
Application No.: 10/510,350
Filed: October 6, 2004
For: RECEPTION APPARATUS AND RECEPTION METHOD

PETITION TO MAKE SPECIAL

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The Applicants respectfully petition that the above-captioned application be granted special status. The requirements of MPEP section 708.02(VIII) are complied with as follows:

(1) Please charge the petition fee set forth in 37 CFR 1.17(i) to Deposit Account No. 19-4375.

(2) All pending claims (original claims 1-5, new claims 6-8 submitted in a Preliminary Amendment on October 6, 2004, and new claims 9-13 submitted in a Supplemental Preliminary Amendment filed herewith) are believed to be directed to a single invention; if the Office determines that all the claims presented are not obviously directed to a single invention, the Applicants agree to make an election without traverse as a prerequisite to the grant of special status.

(3) A pre-examination search has been made, and an Information Disclosure Statement directed thereto is attached. Also, the background art cited in the Background of the Invention section of the present application is discussed herein. The field of search is:

Class 370, subclasses 236, 282, 320, 335, 337, 342, 431, 465, 477 and 546; and

Class 375, subclass 377; and

Class 714, subclasses 748, 749, 750 and 751.

Examiners Robert Wilson and Chau Nguyen, both of Art Unit 2661, were consulted for the field of search.

In addition, a further pre-examination search was made in the form of a PCT International Search Report dated December 2, 2003; an Information Disclosure Statement directed thereto was filed on October 6, 2004.

(4) One copy each of the prior art deemed most closely related to the subject matter encompassed by the claims is of record in the form of the art cited in the attached Information Disclosure Statement and in the Information Disclosure Statement filed on October 6, 2004.

(5) The following is a detailed discussion of the art cited in the above-mentioned Information Disclosure Statements, pointing

out how the instant claimed subject matter is patentably distinguishable thereover.

3GPP TSG-RAN WG1 #31 is a 3GPP publication that solicits opinions from working groups on points involving the likelihood that wrong data is provided to upper layers where a UE decodes correctly a HS-DSCH data block intended for another user. The reference mentions that the probability of erroneous delivery to upper layers can be decreased when the message being decoded in section 1 and section 2 is not consistent, e.g., code allocation is not in line with UE capability. The reference recommends that error handling in the UE for these cases be clearly specified in the Ran WG1 specification in the future, but provides no suggestions other than a possible solution of CRC.

3GPP TSG-RAN2 Meeting #34 discusses how often a particular UE wrongly manages to decode data on HS-DSCHs that have been sent for another UE. The reference states that when a UE thinks that a particular HS-SCCH block has been sent to him, the HS-HSCCH block may have no meaning for the UE, if e.g. the HS-SCCH block points to two codes but the UE is a one code UE. But the reference notes that the corresponding error handling is not specified.

JP2000244463A2 discloses a packet transmitting and receiving procedure involving quick re-transmission start in the event that a bit error takes place due to collision of radio packets and

deterioration in a reception level. In configuring a data packet 61, a transmission station adds a control information part error check code FCS 1 and a data part error check code FCS 2. If an error is determined based on FCS 1, the reception station aborts all data packets. If there is no error based on FCS 1 but an error is determined based on FCS 2, the reception station issues a NAK. In the absence of error based on FCS 1 and FCS 2, the reception station returns an ACK. Based on receipt of the NAK, the transmission station retransmits data packets to the reception station.

JP2000069110A2 was cited under category "X" in the ISR dated December 2, 2003, citing the Abstract as the relevant passage, against the claims of the International Application (these claims have been amended in the present application on June 9, 2004 and in the attached Supplemental Preliminary Amendment). This reference discloses an automatic protocol starting method for data communication in a PHS terminal. The protocol involves starting a mounting protocol when a protocol ID from the transmission side terminal is in accord with that of the receiving side terminal. When an incoming call for the purpose of data communication is received, a reception side terminal takes out the contents (protocol identification code) of the termination sub address of a CC call setting message, checks whether or not a mounted protocol

and the protocol identification code correspond, and if they correspond, activates the corresponding mounted protocol and responds to the incoming call by the data communication). When the protocol identification code does not correspond to the mounted protocol, the call is released. Also, in a case that the incoming call is by voice communication, responding to the incoming call of the voice communication is performed. It is believed that this reference bears little or no pertinence to the present claims.

JP2002281003A2 was cited under category "Y" in the ISR dated December 2, 2003, citing claim 1 as the relevant passage. US20030165120A1 and EP1278327A1 are English equivalents. This references discloses a technique for enhancing transmitting efficiency by reducing data re-transmissions between the transmission and reception units. Particularly, in the case of inputting a signal for requesting the transmission of new data, a transmission signal switching section 104 outputs the output signal of an error correction encoding section 102, and in the case of inputting a signal for requesting data retransmission, the transmission signal switching section 104 outputs a signal stored in a buffer 103 to a modulating section 106. In the case of inputting a signal for requesting new data transmission, a modulation system deciding section 105 controls the modulating section 106 to execute modulation in the maximum rate modulation

system. In the case of inputting a signal for requesting data re-transmission, the modulation system deciding section 105 controls the modulating section 106 to perform modulation in a modulation system for retransmission. In this case, a method for multiplying the maximum rate by a prescribed constant (for example, 0.5) or a method for fixing a phase modulation system such as BPSK or QPSK is disclosed as a method for deciding the modulation system for retransmission.

JP05130082A2 was cited under category "A" in the ISR dated December 2, 2003, citing paragraph [0011] as the relevant passage. US5577087 is an English equivalent. This reference discloses a technique for improved frequency utilization efficiency in a variable modulation communication method for digital vehicle telephone systems. In brief, the technique involves shortening transmission time via a multi-level modulation scheme if transmission quality is good and otherwise applying a smaller number of levels than the multilevel modulation scheme if transmission quality is poor. Particularly, the transmission quality of a transmission path is monitored. QPSK modulation is adopted for terminal equipment remote from a base station, and 16QAM modulation offering a high frequency utilization efficiency is adopted for terminal equipment close to the base station. Since a prescribed information transfer speed is offered to a terminal

equipment, slot assignment is implemented to the terminal equipment far from the base station once for three time slots and slot assignment is implemented to the terminal equipment close to the base station once for six time slots.

US20020172192A1 discloses a retransmission limiting method in a mobile communication system, wherein the number of retransmitted messages is limited in response to a maximum allowable retransmission value assigned to a current data rate of the channel. Multiple maximum allowable retransmission (MAR) values are assigned over a range of possible data rates, to minimize the overall latency of the communication link.

It is submitted that the above-discussed art, considered alone or together, fails to teach or suggest at least the claimed subject matter of (1) a controller that controls the transmitter to transmit neither the ACK signal nor the NACK signal based on a determination that the control information exceeds the reception capability of the reception apparatus (apparatus claim 1) or (2) provided that the control information is a control information intended for the radio mobile station apparatus and the control information is within a scope of a reception capability of the radio mobile station apparatus, transmitting an ACK signal or a NACK signal based on an error detection result of the data channel (method claim 8) or (3) transmitting neither the ACK signal nor the

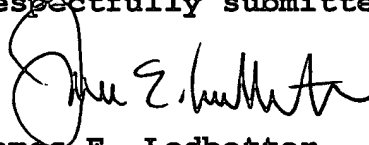
NACK signal based on a determination that the control information exceeds the reception capability of the radio mobile station (method claim 9).

Accordingly, it is submitted that above-discussed prior art documents, considered alone or in combination, fail to disclose or suggest the subject matter of independent claims 1, 8 and 9 and all claims dependent respectively thereon.

Therefore, in light of the foregoing discussion pointing out how the claimed invention distinguishes over the admitted prior art of record, the applicants respectfully submit that the inventions of each of the independent claims and the claims dependent therefrom are not anticipated by the admitted prior art and would not have been obvious over any combination thereof.

Grant of special status in accordance with this petition is respectfully requested.

Respectfully submitted,



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Date: August 5, 2005

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